



State Water Resources Control Board

Division of Drinking Water

March 6, 2017

PWS No. 0210002

Certified Mail Return/Receipt No. 7009 2250 0004 3622 0420

Michael Sharp General Manager Kirkwood Meadows Public Utility District P.O. Box 247 33540 Loop Road Kirkwood, CA 95646

KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT PUBLIC WATER SYSTEM (PWS NO. 0210002)

CITATION No. 01_09_17C_006

Enclosed is a copy of the Division of Drinking Water Citation No. 01_09_17C_006 issued to the Kirkwood Meadows Public Utility District public water system (PWS# 0210002). Please note there are certain deadlines associated with this citation.

If you have any questions, please feel free to contact Austin Peterson at (916) 341-5559 or via email at Austin peterson@Waterboards.ca.gov.

Sincerely

Ali R. Rezvani, P.E.

Sacramento District Engineer
Division of Drinking Water

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STATE WATER RESOURCES CONTROL BOARD

cc: Austin Peterson, P.E., Water Resources Control Engineer

Alpine County Human and Health Services 75 A Diamond Valley Rd Markleeville, CA 96120



1		STATE OF CALIFORNIA
2		WATER RESOURCES CONTROL BOARD
3		DIVISION OF DRINKING WATER
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5	TO:	Kirkwood Meadows Public Utility District
6		P.O. Box 247
7		33540 Loop Road
8		Kirkwood, CA 95646
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10	Attn:	Michael Sharp, General Manager
11		Kirkwood Meadows Public Utility District
12	2 5	
13	CITATIO	ON FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
14	TITLE	22, DIVISION 4, CHAPTER 15, ARTICLE 3, SECTION 64426.1
15	7	WATER SYSTEM NO. 3410032
16		CITATION NO. 01-09-17C-006
17	_	Issued on March 6, 2017
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19	Section 1166	of the California Health and Safety Code (CHSC) authorizes the
20	issuance of a	a citation to a public water system for violation of the California Safe
21	Drinking Wat	ter Act (Health and Safety Code, Division 104, Part 12, Chapter 4,
22	commencing	with Section 116270) (hereinafter "California SDWA"), or any regulation,
23	standard, per	mit or order issued or adopted thereunder.
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25	In accordance	ce with CHSC, Division 104, Part 12, Chapter 4, Article 1, Section
26	116271, the	State Water Resources Control Board, acting by and through its Division
27	of Drinking V	Water (hereinafter "Division") and the Deputy Director for the Division



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(hereinafter "Deputy Director"), hereby issues a citation to the Kirkwood Meadows
Public Utility District public water system (hereinafter, Water System) (33540 Loop
Road, Kirkwood, CA 95646) for violation of California Code of Regulations (CCR),
Title 22, Division 4, Article 3, Section 64426.1.

CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116275(b), (ab), & (ac) state:

APPLICABLE AUTHORITIES

- (b) "Department" means the state board.
- (ab) "State board" means the State Water Resources Control Board.
- (ac) "Deputy director" means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.

CHSC, Division 104, Part 12, Chapter 4, Article 9, Section 116650 states:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.



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(c)	A citation may specify a date for elimination or correction of the condition
	constituting the violation.

- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

CCR, Title 22, Division 4, Chapter 16, Article 3, Section 64423 in relevant parts states:

- (a) Each water supplier shall collect routine bacteriological water samples as follows:
 - (1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A.
- (c) If any routine, repeat, or replacement sample is total coliform-positive, then the water supplier shall collect repeat samples in accordance with Section 64424 and comply with the reporting requirements specified in Sections 64426 and 64426.1

CCR, Title 22, Division 4, Chapter 16, Article 3, Section 64424 in relevant parts states:

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being



notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period.

- (1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.
- (2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the State Board within 24 hours. The State Board will then determine how much time the supplier will have to collect the repeat samples.
- (b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliformpositive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.
- (c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in Section 64426.1 has been exceeded and notifies the State Board.



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COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 3-95) OSP 98 10924

CCR, Title 22, Division 4, Chapter 16, Article 3, Section 64426.1 in states:

- (a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in §64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.
- (b) A public water system is in violation of the total coliform MCL when any of the following occurs:
 - (1) For a public Water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
 - (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month are total coliform-positive; or
 - (3) Any repeat sample is Fecal coliform Positive or E. coli-positive; or
 - (4) Any repeat sample following a fecal coliform-positive or E. colipositive routine sample is total coliform-positive.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall also notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b) (1) or

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(2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.

STATEMENT OF FACTS

The Water System is operated under Water Supply Permit No. 85-015, issued on October 29, 1985.

The Water System serves approximately 100 year-round and 8,000 transient residents through 852 service connections, and as such, is classified as a community The Water System consists of one service area supplied by water system. groundwater disinfected with sodium hypochlorite from four (4) wells – Well 2 (Source No. 0210002-002), Well 3R (Source No. 0210002-005), Well 4 (Source No. 0210002-006) and Well 5 (Source No. 0210002-007). The Water System, according to Section 64423, Article 3, Chapter 15, Division 4, Title 22 of CCR and the Water System's Bacteriological Sample Siting Plan, dated November 12, 2010, is required to collect two (2) water samples per week for the period between December through April for analysis of coliform bacteria content to determine compliance with the MCL for total and fecal coliform bacteria.

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On January 24, 2017, the Water System collected two (2) routine bacteriological samples from the distribution system. Of the two (2) samples taken on January 24, 2017, one of the samples had results of total coliform-positive, E.coli-negative. The water sample that was total coliform-positive was labeled as "Hydrant 47" and "Compliance Monitoring". Chlorine residuals taken at the sample stations at the time of sample collection ranged between 0.45 mg/L (ppm) to 0.62 mg/L (ppm). Chlorine



1 residual concentration of the water sample that was total-coliform positive was 2 reported at 0.42 mg/L (ppm). 3 On January 26, 2017, the Water System collected five (5) repeat distribution and raw 4 5 source water samples, in response to the January 24, 2017, total coliform-positive. Of the five (5) samples taken on January 26, 2017, all of the samples had results of total 6 7 coliform-negative, E.coli-negative. Chlorine residuals taken at the sample stations at 8 the time of sample collection ranged between 0.38 mg/L (ppm) to 0.49 mg/L (ppm). 9 On January 31, 2017, the Water System collected two (2) routine bacteriological 10 samples from the distribution system. Of the two (2) samples taken on January 31, 11 12 2017, two of the samples had results of total coliform-positive, E.coli-negative. The water samples were labeled as "Hydrant 80" and "Hydrant 1" and both were labeled 13 "Compliance Monitoring". Chlorine residuals taken at the sample stations at the time 14 of sample collection were 0.23 mg/L (ppm) and 0.51 mg/L (ppm). 15 16 17 On February 2, 2017, the Water System collected seven (7) repeat distribution and 18 raw source water samples, in response to the January 31, 2017, total coliform-19 positives. Of the seven (7) samples taken on February 2, 2017, all of the samples had results of total coliform-negative, E.coli-negative. Chlorine residuals taken at the 20 21 sample stations at the time of sample collection ranged between 0.26 mg/L (ppm) to 22 1.08 mg/L (ppm). 23 During the month of January 2017, the Water System collected ten (10) water 24 25 samples for bacteriological monitoring. Of the ten samples taken during January 26 2017, three of the samples were total coliform-positive and E. Coli-negative. The remaining seven samples were total coliform-negative and E. Coli-negative.



DETERMINATION

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The Water System failed to comply with MCL of the TCR regulations for the Kirkwood Meadows Public Utility District public water system distribution samples in the month of January 2017. Consequently, the Division has determined that the Water System violated Section 64426.1, Article 3, Chapter 15, Division 4, Title 22 of the CCR for the months of January 2017.

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DIRECTIVES

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The Water System is hereby directed to take the following actions:

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 Comply with Section 64426.1, Article 3, Chapter 15, Division 4, Title 22 of the CCR in future monitoring periods.

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2. Within 30 days of the issuance of this Citation, notify all persons served by the Kirkwood Meadows Public Utility District public water system of the MCL violation as required by Section 64426.1(c), Article 3, Chapter 15, Division 4, Title 22, of the CCR. Notification shall be completed in accordance with each of the following:

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a. Mail or direct delivery of the notice contained in Attachment 'A' to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the Water System.

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- b. Provide the notice contained in Attachment 'A' to customers using one or more of the following methods to reach persons not likely to be reached by a public posting:
 - i. Publication in a local newspaper,
 - ii. Posting in conspicuous public places within the service area,
 - iii. Posting on the Internet, or
 - iv. Delivery to community organizations.

Changes and/or modifications to Attachment 'A' shall not be made unless approved by the Division.

- Complete and return Attachment 'B' "Certification of Completion of Public Notification" form within 10 days of receipt of giving public notice. A copy of the notice used to provide public notification shall be attached to the form.
- Within 30 days of receipt of this Citation, the Water System shall submit a
 written response to the Division indicating its willingness to comply with
 directives of this Citation.
- Within 30 days of receipt of this Citation, the Water System shall conduct and submit Level 1 assessment in accordance to the Federal revised Total Coliform Rule.

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.



1	Nothing in this Citation relieves Kirkwood Meadows Public Utility District of its
2	obligation to meet the requirements of the California Safe Drinking Water Act
3	(SDWA), or of any regulation, permit, standard, or order issued or adopted
4	thereunder.
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6	All submittals required by this Citation shall be submitted to the Division at the
7	following address:
8 9 10 11 12 13 14 15 16	Ali R. Rezvani, P.E. Sacramento District Engineer Division of Drinking Water State Water Resources Control Board 1001 I Street 17 th Floor Sacramento, CA 95814 (916) 449-5600
17	PARTIES BOUND
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19	This Citation shall apply to and be binding upon the Kirkwood Meadows Public Utility
20	District, its officers, directors, shareholders, agents, employees, contractors,
21	successors, and assignees.
22	SEVERABILITY
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24	The Directives of this Citation are severable, and the Kirkwood Meadows Public Utility
25	District shall comply with each and every provision thereof, notwithstanding the
26	effectiveness of any other provision.
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FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

 March 6,2017

Ali R. Rezyani, P.E.

Sacramento District Engineer Division of Drinking Water

State Water Resources Control Board

Attachments:

- Public Notification Template
- 2. Proof of Notification Form

Certified Mail No. 7009 2250 0004 3622 0420

cc: Alpine County Health Department



ATTACHMENT A:

PUBLIC NOTIFICATION TEMPLATE

Instructions for Tier 2 Resolved Total Coliform Notice Template

Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

If You Are a	You Must Notify Consumers by	and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method
Community	Mail or direct delivery ^(a)	Publication in a local newspaper
Water System		Posting (b) in conspicuous public places
[64463.4(c)(1)]		served by the water system or on the
	2	Internet
		Delivery to community organizations
Non-Community	Posting in conspicuous	Publication in a local newspaper or
Water System	locations throughout the	newsletter distributed to customers
[64463.4(c)(2)]	area served by the water	Email message to employees or
Service Organization Conference	system (b)	students
		Posting (b) on the Internet or intranet
		Direct delivery to each customer

⁽a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

⁽b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

If You Take Fewer Than 40 Samples a Month

State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.

If You Take 40 or More Samples a Month

State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We have increased sampling for coliform bacteria to catch the problem early if it recurs."
- "The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

§116701. Petitions to Orders and Decisions.

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Kirkwood Meadows Public Utility District Had Levels of Coliform Bacteria

Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took 10 samples to test for the presence of coliform bacteria during January 2017. Three of those samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

What should I do?

- You do not need to boil your water or take other corrective actions.
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you
 may wish to consult your doctor.

[Describe corrective action]. For more information, please contact [______] at [phone number: () -] or [mailing address Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail. **Secondary Notification Requirements** Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]: SCHOOLS: Must notify school employees, students, and parents (if the students) are minors). RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including) nursing homes and care facilities): Must notify tenants. BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property. This notice is being sent to you by Kirkwood Meadows Public Utility District. State Water System ID#: 0210002. Date distributed:

What happened? What was done?

ATTACHMENT B:

PROOF OF NOTIFICATION FORM

PROOF OF NOTIFICATION Citation No. 01_09_17C_006

Name of Water System: Kirkwood Meadows Public Utility District

Public System Number: 0210002

Certification

As required by Section 116450 of the California Health and Safety Code, we notified the users of the water supplied by the Kirkwood Meadows Public Utility District water system of the violation of the Total Coliform Maximum Contaminant Level (MCL) during the month of January 2017. We complied with Citation No. 01_09_17C_006 as indicated below:

Required Action	Date Completed
Public Notification – Daily Newspaper Notice Public Notification – Mail or Hand Delivery	
Signature of Water System Representative	 Date

Please attach a copy of the notice as published in the daily newspaper within the areas served by the system.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.